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ARMY NATIONAL GUARD TRAINING: IS
READINESS FOR STATE MISSIONS INCLUDED?

BY

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ARMY NATIONAL GUARD TRAINING: IS
READINESS FOR STATE MISSIONS INCLUDED?

AN INDIVIDUAL STUDY PROJECT

by

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U.S. Army War College
Carlisle Barracks, Pennsylvania 17013
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ABSTRACT

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ARMY NATIONAL GUARD TRAINING: IS
READINESS FOR STATE MISSIONS INCLUDED?

CHAPTER I

INTRODUCTION

The Army National Guard (ARNG), a reserve component of the Total Army, is tasked to provide organized, equipped and trained units and individuals to support both State and Federal missions. The primary emphasis in peacetime is to train for federal missions. In time of war or national emergency the ARNG is used to expand or reinforce the Active Army in the defense of our national interests. The National Guard is unique among the military services because it also has state responsibilities and missions. The state mission is primarily to protect life and property and preserve peace, order and public safety under competent orders of federal or state authorities. To ensure availability to accomplish the state mission the state retains command of ARNG units not in Federal service.¹

This paper will focus on the question regarding training of the ARNG and whether the training received to accomplish federal missions also contributes to the readiness of the ARNG to accomplish the state missions. In understanding the

readiness issues associated with the federal and state missions it is important from a historical perspective to understand how the federal and state missions have been developed, supported, and emphasized throughout the history of the National Guard.

ENDNOTES

1. Training and Organization of the U.S. Army RC, p.9.

CHAPTER II

HISTORICAL PERSPECTIVE

The role of the Army National Guard (ARNG) while generally defined in our country's constitution, has been evolving since its inception as the states' militia in 1776. The ARNG federal-state relationship with respect to utilization, manning and funding has made some dramatic changes over the years. The following is a summary of how the purpose of the state militia program originally established has evolved over the years to include it's incorporation within the Total Army concept.

The concept of a militia predates the Constitution. The history of an organized militia can be traced to the establishment of the first militia units in Massachusetts in 1636. Each colony experimented with its militia, developing local variations to fit its own circumstances. However, a basic concept prevailed in all the colonies. The militia force was primarily responsive to local colonial or state authorities and secondarily available to federal authority in times of general emergency or war.¹

Although the militia forces of the various colonies provided the nucleus for the Revolutionary Army during the

initial phases of the war to establish our independence in the latter part of the 18th century, a federal force was resourced and raised by Congress by the close of the war.

The militia that fought the war for independence was initially comprised of little more than groups of local bands of men that had been organized and used for local defense. They were basically untrained, poorly equipped and the subject of much complaint and criticism. Their unreliability stemmed primarily from a lack of standardization in training and equipment.²

By the end of the war the militia was experienced, better equipped, well-disciplined and trained. The framers of the Constitution were confronted with issues concerning the continuing need for a militia and how the militia should be provided for in the Constitution. Those who wished to construct a national government that was relatively independent of the states wanted a central government that was armed to provide political leverage in foreign political affairs. Strong opposition from "states rights" advocates forced a compromise. The militia was authorized by article I, section 8, clause 15 and 16 of the Constitution, which says in part:

The Congress shall have power

(15) To provide for calling forth the militia to execute the Laws of the Union, suppress insurrections and repel invasion;

(16) To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;³

The militia was also referred to by article II, Section 2, clause 1 giving the Executive Branch the following authority:

(1) The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States.⁴

The Federal government kept control of the militia by establishing the Congress and the Executive branch as the responsible authorities for all matters pertaining to the militia exclusive of the authority to appoint officers and conduct training. This placated those who advocated "states rights", as they felt that control of the officer corp was tantamount to control of the force. Although the second amendment provided for a militia," . . . a well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. . .", the Militia Act of 1792 was the first national

law establishing a Regular Militia within each state and would be the Legal basis of the militia until 1903.

The political issue influencing the organization of the militia during the founding days of our country was the opposition between the centralists and the states' rights protectionists. This philosophical difference of opinion continues today, especially as it affects the National Guard. It is important to note however, that both sides wanted the preservation of some military functions for the states.⁵

The militia system established in the Militia Act of 1792 was basically ineffective. Each state varied in the degree of commitment to its militia. Many did not meet what would be considered a minimal obligation. The intended consistency between state militias as conceived by the framers of the constitution did not exist. The Act of 1792 had authorized the President to arrange the militia by divisions, brigades, etc.⁶ However, no federal funding was provided. In addition, unfortunately, there were no specifics on training standards, frequency of training or federal inspections to ensure a national standard.⁷

State militia laws passed subsequent to the "Militia Act of 1792" varied considerably. However, in most cases the

states did not do their part. For example, the Adjutants General (AG) were required to report the strength and training of their respective forces. Yet early records and inspection reports indicate that during the first half of the nineteenth century, only a few states could or would support a militia as provided by the Act.⁸

The training and readiness of the militia varied from state to state but was generally in a state of disarray. The participation of the militia in the War of 1812 highlighted the need for standardization and increased support for the militia. During the war the militia repeatedly exhibited the melancholy fact, of large corps of militia going to the field of battle without understanding a single elementary principle of war, and without being able to perform a single task. The war proved the militia to be generally unreliable. Not surprisingly, the federal government ceased to regard the militia as the main element of national defense, and for many years, no President made any serious efforts to improve the organization of the militia.⁹ The states' rights advocates had their way and it was now evident that the United States had entered the nineteenth century with no standing army and no adequate method to train, organize, or equip its militia force.

Defenders of the present day ARNG find it easy to blame the federal government for the problems encountered by the militia in the nineteenth century. However, out of respect for the constitutional tradition and a distaste for the militia itself, some have argued that the federal government left the militia to the states and the states failed in the trust. As an indication, some militias were even abolished between 1830 and 1850.¹⁰

The need for a state militia began to revive in the late 1870's when labor problems of the day created the need for a state force to act as strikebreakers. The militia took on the mission and assumed the character of a constabulary or state police force under state control. Probably the chief reason the militia was settled upon as the solution to "labor troubles" by the various governors was its proven loyalty in dealing with strikebreakers in 1877. Pennsylvania was the first test case, where feelings ran the highest, for using the militia. And, except for West Virginia, such was the experience of all other states that called out the militia.¹¹

The militia played an important role during this period in maintaining law and order and some attribute a renewed interest in the state militia to this period in history. It awakened

in the taxpayer a sense of need and justification for a large internal police force and made them willing to pay for it. As a result state legislatures were persuaded to appropriate money for the militia.

Following the period of strike-duty in the late 1870's, the militia began a summer camp system to enhance training. Many states began to ask regular Army officers for assistance; the militia was now seriously interested in learning military skills. Although the training in many cases took on the appearance of a social club, nevertheless, the social atmosphere helped revive the volunteer militia. Between 1881 and 1892 every state in the Union revised its military code to establish an organized militia, which most states officially named the "National Guard". In 1896 state military appropriations totaled 2.8 million dollars. With more than 100,000 officers and men, the National Guard was four times the size of the Army. Whether it could supplement the regular Army was the subject of great discussions.¹²

Officers who shared an interest in strengthening the National Guard eventually founded the National Guard Association (NGA) in 1879. The association was established to promote military efficiency and represent the National Guard before Congress.¹³

The NGA became very successful in getting Congress to appropriate more funds to the state National Guard forces and to organize the state governors toward a common cause. And the time was right for change in the military organization. As Secretary of War, Elihu Root was bound to bring the United States Army into the twentieth century. Among other reforms, Secretary Root saw clearly that the country needed a workable reserve system. This was different from the militia which was organized under the obsolete Uniform Militia Act of 1792.¹⁴

Root directed a study of the military forces of other countries to determine what they were doing regarding citizen reserve military forces. The study revealed citizen soldiers were an important military force in planning for national defense. Congressman Charles Dick, a major general in the Ohio National Guard, who had served in the Spanish-American War, was president of the NGA and chairman of the House Committee on the Militia led an emerging national debate on the need for a strengthened and more adequately resourced National Guard. In close cooperation with Secretary Root he launched and nursed through Congress the so-called Dick Act in 1903. The Act was to promote the efficiency of the militia. The National Guard was officially organized and became a partner of the regular

army. The provisions of the bill, which were essentially a compromise, eliminated the Militia Act of 1792. Under the Dick Act, the National Guard organization was to be identical to the regular army.¹⁵

Although the governors initially maintained total control of the National Guard, they quickly relinquished much of their authority once they accepted federal aid. The state was then required to see that the National Guard drilled twenty-four times per year, spent five days each summer in encampment, conducted an annual federal inspection and corrected all shortcomings noted.¹⁶ The thrust of the Dick Act was to provide federal assistance to the organized militia and give the President the authority to mobilize the National Guard component. The National Guard, as anticipated by the Constitution's framers, was now a military reserve ready to serve the national interest.

The National Guard, while getting large amounts of federal funds and growing in size, continued to struggle to find its true role in military operations and readiness. The natural disasters and civil disorder incidents in which Guardsmen were called to help supported their cause. These included such events as the San Francisco earthquake in 1906; over 21 times

in Florida to mostly prevent the lynching of black men; and in many other states to control striking workers. The National Guard gained popularity among the governors, however, when issues of military policy came before Congress for resolution, the National Guard and the War Department were constantly at odds. This led to the "Militia Act of 1908" which removed the nine month federal service limit and allowed the National Guard to be available within or outside the territory of the United States. ¹⁷ Additional militia reform was included in the "National Defense Act of 1916". It provided for both a National Reserve, free of state entanglements, and a National Guard responsive to both the federal and state governments. The passage of this Act should be regarded as the critical moment in the recent history of the ARNG.

The act stated that the National Guard was an integral part of the Army of the United States when in federal service. However, when they were called out through the governors, the Guardsmen remained within the organized militia under the control of the state.

The National Defense Act greatly increased the power of the federal government over the National Guard. It doubled the required training periods to forty-eight and tripled the summer

camp sessions to fifteen days, with some federal funds available. No state could disband a unit without the consent of the War Department. Regular Army officers and NCO's could be assigned to states without the governors request, as well as be placed in command of National Guard divisions and brigades. Individual Guardsmen now had to take an oath of loyalty not only to the state but also to the United States. If any state refused to comply, all federal aid could be severed.¹⁸

All the elements of compromise were contained in the National Defense Act of 1916 and in the amendments of 1920. The National Guard received pay and recognition and the Army received authority to supervise the Guard and to create its own reserve.¹⁹

Since the Acts of 1916 and 1920 there have been only a few significant changes concerning the National Guard. In 1933 for example, the NGA obtained legislation incorporating the National Guard into the first line of reserves and in 1950 it obtained federal funds for building of armories. Each of these legislative actions were a compromise.

The Act of 1933 provided for two forces made up of the same militiamen. One is the National Guard of the States and the other is the federally recognized National Guard of the

United States. The National Guard of the United States was made a reserve component of the regular Army so that it could come directly under the command of the President. While previously the National Guard had to await summons by the President to come into the national defense system, now they became an integral part at all times. This meant the President no longer needed to go through governors to summon the Guard, nor would they have to be drafted, as it was in 1917 under the National Defense Act of 1916. The greatest benefit of the change was for the National Guard itself. It was intended to force the Army to summon the militia as units rather than as individuals. Enlisted personnel would stay with their units when called to active military service and officers would retain command and not be replaced by Regular Army officers. The whole purpose of the Act of 1933 was to "enable the National Guard to go into the service of the United States. . . as an organization and come out as an organization".²⁰ The states at this time provided about one-third of the financial support of the Guard.²¹

Except for the Act of 1933, from 1920 to WWII, the National Guard program was relatively stable and relations with the Regular Army improved. And while the new National Guard of

the United States tried to adjust to its role as part of the national military force, the National Guard continued to be used quite extensively by the states for support of state missions and requirements. The National Guard continued to maintain a prominent role in many communities.

It was not until 1940 that the National Guard was again called upon in a national emergency. President Roosevelt ordered over 300,000 members of the National Guard into federal service in preparation for World War II. This, along with the Selective Service Act of 1940, and the subsequent events leading up to WWII caused the National Guard a great deal of resentment. Personnel in most Guard units were split up and reassigned to other units, losing much of their peacetime structure, especially their officer leadership positions.

During the war the NGA sought to assure that the National Guard's traditional existence - a reserve force with a dual federal/state status - would be protected. The War Department was making postwar plans for military policy. The National Guard sought to prevent new actions which gave greater control of the National Guard to the active Army and put pressure on the War Department and Congress to change the intended postwar military policies. As a result, it emerged from WWII with its

traditional role and status. However, the National Guard was not adequately resourced and deteriorated further before rebuilding. In June, 1946 for example, there were only four federally recognized Guard units, comprising thirteen officers and thirty-one enlisted men. Four years later, on the eve of the Korean War, the National Guard consisted of 370,000 men.

In 1948 there was an effort to merge the National Guard and the U.S. Army Reserves into a single federal reserve component. The NGA opposition prevented the Defense Department from posing this to Congress.

In spite of many battles over the survival and role of the National Guard following WWII, the ARNG became an important element of our national military strategy. It consisted of twenty-seven divisions, located in 2,200 communities and housed in 2,316 armories.

When the Soviet backed North Koreans invaded the South in June 1950 the National Guard expected to be mobilized immediately. However, this was not done because the government did not initially take the conflict seriously. But the conflict went on longer than expected and the preponderance of troop replacements were provided either through conscription or "robbing" reserves of their experienced men and equipment. The

National Guard was brought into federal service on a fragmented basis and before the war was over, about one-third of the ARNG had been ordered into service.²²

The Korean War had spurred another conflict between the Regular Army, the Reserves and the National Guard. As a result, Congress passed the Armed Forces Reserve Act in July, 1952. The act reaffirmed that the National Guard should be ordered into federal service ahead of other reserves and they should be activated as units and not individuals. This act created the Ready Reserve which included all Guardsmen who could be called up for two years if the President declared a National emergency. It permitted the military departments, with the governor's consent, to order any Guardsmen into federal service for up to fifteen days.

After the Korean War, domestic events continued to involve the National Guard. Flood control, hauling water to drought areas, fire control and maintaining law and order were the most common uses of the National Guard in support of the state missions. Additionally, for the first time since 1933, riot control during enforcement of desegregation laws in the late 1950's and 1960's was a mission the National Guard was called upon to perform. Because of their general military discipline

and unity the National Guard proved successful in this state civil disorder mission although they lacked both training and weapons.²⁷ This use of the National Guard, which received a great deal of national and international media coverage, helped preserve the National Guard as a militia force for the states.

Throughout the 1950's there continued to be much pressure to nationalize the National Guard. However, Congress was the banner carrier for the National Guard on behalf of states' rights under the Constitution and did not give in to the pressure to nationalize the National Guard.

In 1957 the National Guard, under both state and federal control, was tested to respond on behalf of both commanders. Thus, a new precedent was established. Mobilized by the Governor for state active duty, the Arkansas National Guard first supported the Governor by blocking the entrance of blacks into an all white high school in order to "maintain law and order". The President then decided to federalize the Guardsmen to control an internal disorder. This resulted in the same Guardsmen being tasked to protect the black students as they attended the all white high school. Federalizing the National Guard to control an internal disorder had not been done since the Civil War. Such a confrontation had always been possible

because of the provisions in the Constitution.²⁴ The involvement of the National Guard in state civil matters was very prevalent during the 1950's and the National Guard was called upon for similar duty on behalf of both the President and the Governor in the sixties.

The National Guard continued to receive national attention during the sixties. In 1961, during the Berlin crisis, over 45,000 ARNG personnel were federalized. And just as the National Guard units returned to civilian life, a few months later the Cuban missile crisis arose. Although no part of the National Guard was ordered into federal service during this crisis, the National Guard was required to transfer much of their equipment to the active forces. Most of this equipment was never returned.

The partial mobilization of the National Guard during the Berlin and Cuban missile crisis caused a severe decline in National Guard morale and membership. This decline resulted in some real shortfalls in ARNG readiness. Readiness was further reduced by the Administration's major reduction in the number of National Guard units. The reduction in units was adamantly opposed by the state governors, but to no avail. It was intended that large numbers of untrained men would be replaced by highly efficient, quick-response units.²⁵

The following is a summary of the use of the National Guard by state authorities in recent years. From 1945-1967, officials in 28 states called Guardsmen out 72 times to preserve order. Although their past performances had been credible, training and equipping the National Guard for riot control was a top priority and perhaps had an impact on President Johnson's decision not to mobilize the reserves for service in support of our military efforts in Vietnam; although the President did order Guardsmen into federal service after the TET offensive and Pueblo incident. The increased emphasis on riot control and civil disturbance training did pay off on at least one occasion in Chicago in 1966 when 4,000 ARNG members were used for nine days with no incidents. In fact, Martin Luther King, Jr. praised their conduct.

Other similar situations involving 10-4,000 ARNG personnel per event can be viewed as success stories as a result in part of the training received. However, prior to the Detroit riots of July 1967, the Department of the Army did not direct the ARNG to conduct any riot control training. Following these riots DOD issued a directive requiring training with a follow-up plan of sixteen hours per year. The Army also began to buy more appropriate equipment and to formalize the riot control

schools. By October, 1967, 403,000 out of 466,000 ARNG personnel had received thirty-two hours of training in riot control.²⁶

In the early 70's the National Guard became involved in controlling riots on college campuses. This use of the National Guard received national attention when the Ohio National Guard was sent to Kent State University. Ohio was the only state in the Union that required Guardsmen to keep a live round in their weapons. The Guardsmen were to use gunfire only as a last resort. The National Guard unit was surrounded by students throwing rocks and yelling, "shoot". Twenty-six Guardsmen opened fire with fifty-nine shots which resulted in several students being killed or wounded. One of the reasons given: many of the men in the Guard unit had a limited amount of riot-control instruction, and their commanders did not follow prescribed procedures outlined in regulations. In addition, Ohio was the only state that required Guardsmen to keep live ammunition in their weapons during this type of incident. This incident created a nationwide outburst even though in Kent, prominent citizens thanked the National Guard for restoring order. The President appointed a commission to investigate campus unrest while the Ohio Governor stated his

support for the National Guard and said he would use the National Guard again in a similar circumstance.²⁷

1970 to 1973 was a high point for state use of the National Guard to preserve law and order. 233,000 Guardsmen served on 201 occasions with the most prevalent duty being national civil disorder. Throughout much of the sixties and early seventies the states utilized the National Guard most frequently while paying a smaller and smaller portion of their costs. For instance, in 1933, the states' share was 33%. By 1963 it had dropped to 6%. And by 1989 it has dropped further to about 4%. This meant the National Guard was primarily a federally supported force. While the National Guard is still committed to support state missions as in the earlier years of its militia history, the emphasis has changed to support the President and the federal mission.²⁸

A major decision was made in 1973 which continues to have a dramatic effect on the National Guard. The role of the Reserve Components in support of national defense was dramatically changed when the "Total Army" or "One Army Concept" became Army policy. The implementation of this policy meant that the National Guard was no longer considered a backup military organization but instead the National Guard became a

full partner in the Army's national defense efforts. This policy resulted in new programs, policies, resources and guidelines from all headquarters having responsibility for National Guard forces. The creation of 'STARC' (State Area Command) commands in 1981 in each state to function on behalf of both state and federal missions was a major reorganization. The STARC operates and directs the day-to-day activities of the ARNG within the state and provides an established command and control organization to facilitate any federal mobilization. A federally recognized general officer commands the STARC. In some cases the STARC is commanded by the Adjutant General who is usually appointed by the Governor. This command structure provides continuity between the federal government and the state control of the National Guard. This organizational arrangement has very likely contributed to a sensing of a National Guard which focuses on the federal missions.

The administration and training of the Guard under the "Total Force" policy continues to have increased influence from the federal government. However, starting in 1985 several state governors began to express concern about their legal rights to refuse National Guard units to train Outside the Continental United States (OCONUS) without their consent, short

of national emergency. In some cases, Governors were seen in the middle between the federal government and their National Guard troops who want to train for their federal missions OCONUS. The National Guard Bureau, supportive of OCONUS training, felt legal provisions existed to force the states to approve scheduled OCONUS training.

In June 1986, because of concern about the integrity of the "Total Force" policy, an amendment to the 1987 Defense Authorization Bill was introduced in Congress which specified that training of the National Guard OCONUS would be in federal service with units ordered to active duty. This authority was based upon the Army clause of the Constitution and would not require the governors' consent. Critics of the federal policy and governors were successful in killing the amendment based on unanimous support reaffirming the governors traditional command over the National Guard.²⁹

The NGA and the Adjutant General Association of the U.S. (AGAUS) initially opposed any legislation that would fundamentally shift control of the National Guard from the states to the federal government. However, an understanding began to develop that some legislation was necessary because of the severe erosion of the National Guard's credibility as a member of the "Total Force".

The "Montgomery Amendment" was conceived as part of the 1987 Defense Authorization Act and is based upon the Militia clause and not the Army clause of the Constitution. This amendment permits the governors to withhold their consent for National Guard training activities within the Continental United States for any reason and to withhold their consent for activities OCONUS for any reason other than those specified- location, purpose, type or schedule of such active duty training. As a result, in January 1987, based upon the question of constitutionality, the Governor of Minnesota filed suit seeking a declaratory judgement that the Montgomery Amendment was an unconstitutional infringement on the power of the states by the federal government and the continued erosion of state powers.³⁰ Several other states filed in support of Minnesota. The NGA filed in opposition and a number of states as well as the AGAUS supported this position.

In June 1987, a U.S. District Court proceeding listened to three arguments based on the language of the Constitution. The position held by Minnesota is that the Militia clause reserves to the states the authority of training the militia in accordance with requirements prescribed by Congress. The Supreme Court has determined that the National Guard is the

modern militia reserved to the states by Article I, Section 8, clause 15 and 16 of the Constitution.³¹ The Militia clause reflects a careful compromise in the allocation of federal and state powers. A fear of unchecked federal power generally, and large standing armies in particular compelled the framers of the Constitution to preserve an independent state militia that could be called into federal service only for a limited time. But Congress was empowered to prescribe a uniform discipline for training in order that the militia would be prepared to function with Regular Army forces when called into federal service.

Over the years, Congress has consistently acknowledged the states' powers over the peacetime training of their militia. The Dick Act of 1903 allowed regular army instructors to come into the states only at the request of the governor. The National Defense Act of 1916 expressed the constitutional requirement for state control over the National Guard in peacetime. The primary purpose of the National Defense Act of 1933 was to create the National Guard of the United States, both in peace and in war, while reserving the states' rights to control. And in 1952, under the Armed Forces Reserve Act, the Congress made it clear that when the National Guard is called

to active duty for training, the governor must consent. This was a caveat the NGA fought very hard to get implemented.

The position of the Department of Defense on this matter was also very clear. The National Guard is a critical component in the Total Army Force and is part of the first line defense serving alongside regular Army forces. The National Guard has two distinct roles: 1) a reserve component of the Army, and 2) an individual state's military force. The term National Guard refers to two overlapping but legally distinct organizations. The understanding of this dual status is the key to the issue of federal/state status concerning the National Guard.

In 1933, Congress created a federal reserve component called the National Guard of the United States. They did this under the authority of the Army clause of the Constitution. Thus the 1933 act created the present dual status of every Guardsman. As a federal reserve soldier, Congress has the full authority to regulate all aspects of the National Guard including training when employed in the service of the United States. It is therefore reasoned that the Montgomery Amendment does not conflict with any power of the states under the Militia clause.

The third concern is that of the NGA - to determine the constitutional boundaries governing control over National Guard training. The Militia clause gives neither the state governors nor the Congress exclusive and unlimited authority over the peacetime training of the National Guard, but provides for a sharing of such authority. But the battlefield on which today's Guardsmen may be called to fight is not that of 1787. He must operate in a wide variety of climatic and geographical conditions with very sophisticated equipment. Quite often these conditions do not exist in the U.S. and realistic field exercises must be performed to acquire high levels of readiness.

In August 1987, the decision of the U.S. District Court upheld the constitutionality of the Montgomery Amendment. The judge ruled on whether Congress' actions were within its scope of power.³² He recognized that the term "National Guard" referred to two overlapping, but legally distinct organizations as created by Congress in the 1933 Act. Congress did so under the Army clause and not the Militia Clause. The judge concluded that the state governors retain their authority over training the Guard when under title 32 U.S. Code control as the state's militia, but must relinquish such authority over

training units 'in the service' of the United States under title 10 U.S. Code.³³

In 1989 the "Total Force" is a reality upon which the role of the National Guard plays significantly in the national defense equation. ARNG units are major elements of our national deterrent strategy and in many cases among the 'first to fight'. National Guard units have a global mission in the event of federal mobilization. The National Guard has been involved in all major military operations our country has been involved including Lebanon, Grenada, Libya and Panama. Reliance on the National Guard in developing our national security strategy is extensive and has increased significantly in recent years.

Today the ARNG has nearly 480,000 members in 19 of the 28 total Army divisions. This represents over 30% of the Army's total strength and over 40% of its combat units. In some cases the National Guard contributes 100% of a particular capability within the Total Army.³⁴ The National Guard has a higher level of readiness and is better equipped than at any time in the history of the National Guard.

History has shown how the ARNG has evolved into a force primarily responsive to the needs and standards of the Regular

Army through federal funding of 95% of fiscal requirements. Improved federal mission readiness, because of past performances when mobilized for conflicts, has been the major theme and goal for the ARNG in recent years. The ARNG now enjoys a C-3 or better readiness rate in over 80% of its units. The increased dependence on the ARNG impacts on the way it plans, trains and operates. This requires an ever increasing challenge to those organizing the use of the allotted 39 training days and 15 days of Annual Training.

A fundamental and important question is raised concerning whether the ARNG is prepared and ready to perform the numerous state missions in addition to the federal missions. The following chapters will highlight a number of insights into this question provided by leaders in today's ARNG.

ENDNOTES

1. William H. Riker, Soldier of the States: The Role of the National Guard in American Democracy, p.11.

2. Samuel J. Newland, The Militia's Role in National Defense: A Historical Perspective, p.3.

3. Constitution of the United States, Article I, Section 8, Clause 15 and 16.

4. Constitution of the United States, Article II, Section 2, Clause I.

5. Riker, p.18.

6. Ibid., p.20
7. Newland, p.6.
8. Riker, p.44.
9. Ibid., p. 37.
10. John K. Mahon, History of the Militia and National Guard, p. 83.
11. Riker, p. 50.
12. Martha Derthick, National Guard in Politics, p.16.
13. Ibid., p. 20.
14. Mahon, p. 138.
15. R. Ernest Dupuy, The National Guard: A Compact History, pp. 92-93.
16. Mahon, p. 140.
17. Weiner, "The Militia Clause of the Constitution", Harvard Law Review, pp. 193-196.
18. Mahon, pp. 148-149.
19. Riker, p. 82.
20. Ibid., p. 86.
21. Derthick, p.109.
22. Mahon, p. 209.
23. Ibid., p. 213.
24. Ibid., p. 225.
25. Ibid., pp. 233-235.
26. Ibid., pp. 239-242

27. Ibid., pp. 244-245
28. Ibid., pp. 246-247
29. David S. Broder, "Hands Off National Guard, Governor Say", Washington Post, August 27, 1986; p. A-5.
30. Edward J. Philbin, "States' Rights", National Guard, April 1987, p. 22.
31. See Maryland v. United States, 381 U.S. 41, 46 vacated and modified on other grounds on rehearing, 382 U.S. 159 (1965).
32. Perpich v. United States Department of Defense, U.S. District Court, District of Minnesota, Third Division, Memorandum of Law Amic: Curiae Massachusetts et. al., p. 3.
33. Perpich v. United States Department of Defense, U.S. District Court, District of Minnesota, third Division, Memorandum Order, Judge Donald D. Alsop, p. 12.
34. "The Total Force", National Guard, April 1987; pp. 76-78.

CHAPTER III

SURVEY OF ARNG OFFICERS

A survey questionnaire was distributed to twenty-three Army National Guard (ARNG) officers affiliated with the U.S. Army War College (USAWC) as either student, faculty member or Senior Service College Fellow. The purpose of the survey was to solicit their opinion on training ARNG personnel receive for their dual Federal-State missions. The results were to provide opinions, of experienced senior ARNG officers from varied backgrounds and states, as to whether the ARNG is adequately trained to perform the various state missions and how they would change (if at all) the training emphasis on the state missions.¹

SURVEY RESPONSES

The following summarizes the sixteen responses pertaining to each question in the survey:

Part I.

1) Years in the ARNG: Average 23+ years

Median 25 years

Range 9-36 years

2) States served in the ARNG:

19 of 54 States/Districts/Territories
represented.

Total experiences equalled 28 states.

3) Prior active Army service: Median 2.5 years

Range: 0-17 years

Avg. 4.3 years

4) Branches of the ARNG represented: Aviation, Infantry,
Artillery, Armor, MP

Part II

1) 75% said that 24 training days over a twelve month period
and 15 days of annual training is not sufficient time to train
for both state and federal missions. Why?:

More time is needed to meet minimum standards.

Too much time spent on administrative requirements.

Family and employers preclude dedicating more time.

More time is already involved in an unpaid status.

2) 100% replied that the training emphasis placed on the state
mission compared to the federal mission was About Right or
should be Much Less.

69% - About Right

3) State missions they feel the ARNG soldier is not sufficiently trained in are:

46% - Civil disturbances

38% - Law enforcement / drug interdiction

15% - Natural disasters

4) The reasons the respondents had been called to active duty for both state and federal missions are indicated and if they considered themselves trained?

State

37 total occasions

85% of the 35% involved in Civil Disturbances said Yes, they were trained.

72% of the 49% involved in Natural Disasters said Yes, they were trained.

100% of the 16% involved in Security / Law Enforcement said Yes, they were trained.

Federal

8 total occasions

100% of the 63% involved in Wars/Conflicts said Yes, they were trained.

100% of the 37% involved in Planning said Yes, they were trained.

5) They ranked the six major state missions that ARNG personnel should have training for:

Top 3

Bottom 3

Natural disasters

Law enforcement

Riot control

Strikebreakers

Drug War

Internal Security

6) 75% replied that ARNG training either Adequately or More Than Adequately supports the most likely state missions. 25% replied it was inadequate.

7) 100% replied, if they were the STARC commander they would Maintain or Increase federal training as compared to state training.

8) 59% said they thought the American people would prefer the ARNG's readiness to be higher in the federal missions than the state missions.

9) 60% either Strongly Agreed or Agreed that the ARNG had evolved into a primarily federal (as opposed to state) reserve force.

10) 69% either Strongly Agreed or Agreed that the ARNG is fully trained to perform the most common state missions.

19% Disagreed, 12% Neutral.

11) 56% either Strongly Agreed or Agreed that it was easier to train for the federal mission as opposed to the state mission.

12) 75% either Strongly Disagreed or Disagreed that TAG's should stress training state missions more than current emphasis. 13% agreed, 12% neutral.

SURVEY ANALYSIS

The opinions reflected by the respondents clearly indicates that the vast majority of ARNG officers believe that the ARNG does sufficiently train for the state missions, that emphasis on state training should not be increased, and that past training had prepared them for the numerous state missions previously called upon to perform. The majority also noted that their primary mission is to support the Total Army Concept under the federal mission by being ready to fight geographically world-wide, early in the conflict, and as separate units upon mobilization. Additionally, they indicated the training which is received in preparation for the federal mission, as a general rule, also prepared them for state missions.

The opinions of the respondents are believed to be representative of most ARNG personnel because of their time in service and operational, first-hand experience in numerous states and various missions.

ENDNOTES

1. Survey of Army National Guard Officers affiliated with U.S. Army War College, Academic Year 1990; December 1989; "Army National Guard Training in support of Federal and State Missions".

CHAPTER IV

This chapter will summarize and analyze comments made by senior ARNG officers from several state and federal ARNG staffs concerning the role of the ARNG in support of state and federal missions.

NATIONAL GUARD BUREAU CHIEF

LTG Herbert R. Temple Jr., former Chief, National Guard Bureau is convinced that ARNG personnel are trained and ready to perform their state mission when called upon. He is in regular contact with TAG's in all of the 54 states, district, and territories. They tell him that they are always pleased with the National Guard's performance in performing their state missions; many governors and community leaders also relay this same feeling. LTG Temple is quick to point out that the National Guard's primary mission is in support of the Federal role, not the state, and that is the mission they primarily train to accomplish.¹ His emphasis on National Guard training in support of the Total Force concept is his primary theme when discussing Guard readiness.² LTG Temple leaves the impression that he does not believe that training for the state missions requires much attention; that it is certainly the secondary mission of the National Guard and that ARNG personnel are

primarily an available manpower pool of disciplined soldiers available to the Governor.

In my opinion however, the concerns associated with the counternarcotics operations and the ever increasing role the ARNG is being asked to undertake in the state mission, is not being adequately addressed. For example, scheduled ARNG training to support that mission has yet to be altered significantly. An important question is, how much longer will the ARNG be able to keep this growing state mission from impacting on the already limited training time needed to prepare for the Federal mission. TAG's recently presented a report on the National Guard's involvement in Drug Enforcement Operations to LTG Temple; their message is summarized below:³

Present

- Involvement by ARNG personnel is on a voluntary basis.
- Drug Enforcement Operations (DEO) do not interfere with Inactive Duty Training (IDT), Annual Training (AT) or other unit training requirements.
- Counternarcotic operations are sometimes "piggy-backed" with federal Training missions.
- Participation in DEO has provided the ARNG with an added benefit in that it has improved overall readiness.

- The 179 man-day total and 60 day break restrictions provide a limitation on utilizing personnel that should not apply to DEO.
- Rules of Engagement (ROE) need to be published and standardized.
- There is a need to institutionalize intra-state ARNG operations in support of DEO.
- Resources do not necessarily match the plans. For example, Puerto Rico requested 2685 mandays and was provided 494.

Future

- DEO support could make the exclusive use of individual volunteers inadequate to meet all requirements. Thus, involuntary activation of units may become an alternative solution.
- How long will the National Guard be expected to support Counternarcotics operations?
- DOD must provide more support to Law Enforcement.
- Long range strategy: Training programs to support DEO
- Wear and Tear on Equipment
- If DEO continue and require use of outdated tactics with limited training value, operational readiness may be degraded.

- Operational restriction - volunteers

LTG Temple recognizes that the National Guard's role in counternarcotics operations will continue to expand. Yet he seems to think that the state mission will be limited from the perspective of National Guard involvement. He makes the following statements:⁴

"We the Guard, aim to implement the DOD policy to support Law enforcement officials to the maximum extent permissible by Law, and so long as it does not detract from our wartime readiness."

"The DOD is becoming increasingly involved in eradicating this menacing problem which poses a threat to our national security."

"As citizen soldiers, we who serve in the National Guard carry on a time-honored tradition of service to the safety and welfare of our fellow Americans. But our role is one of support only, and only where it does not detract from military readiness."

A case could be made that these statements are not necessarily mutually supportive and consistent. It is hard to understand how a crisis such as the use of illegal drugs in our society can pose a threat to our national security on the one hand and on the other hand acknowledge that the National Guard will participate in counternarcotic operations only so long as it does not keep the National Guard from being ready for the

federal missions. Congress and the American people may think otherwise as to priority missions for the ARNG.

Other influential Guardsmen also share the attitude of LTG Temple. MG Kiefner, President of the National Guard Association of the United States, has made a concurring statement with respect to the drug war:

"Guard can and should help, as long as those activities are funded and resourced in a manner that does not cut into wartime mission training."⁵

He makes a good case for advocating a limited use of the National Guard in the fight against drugs. Yet he also states that Americans must decide what price they are willing to pay to "stop drugs". The answer to this question may not be what the National Guard expects to hear.

LTG Conaway, Chief of the National Guard Bureau, also acknowledges the National Guard's workload and counternarcotics operations involvement:

"We basically have the individual Guardsmen . . . tasked about as heavily as we can task the individual Guard member. . . .then you add counternarcotics operations to that on a volunteer basis and disaster call-up. So, additional roles and missions will take more money, more people and more equipment to accomplish."

General Conaway also notes that he expects an increase in National Guard involvement in counternarcotics operations.

This can be seen in Congressional appropriations; \$40 million to the National Guard in 1989 and, over \$70 million in 1990 for counternarcotics support operations.⁶ The question remains however as to whether the increased demand on the National Guard to support the state mission of counternarcotics operations can be expected to detract from the National Guard's ability to achieve and maintain a high level of federal mission readiness. Conversely, will ARNG training continue to emphasize the federal mission over the growing state mission of counternarcotics operations?

MG Burdick, Director, Army Guard acknowledged that the high state of readiness (82% reporting combat ready in 1989) achieved by ARNG units has been accomplished through intensive training for the federal mission.⁷ It can reasonably be assumed that readiness for the state mission also improved since state mission readiness is not reported in the same context.

The impression that the ARNG does not presently train to any great extent explicitly for the state missions is also confirmed when the issue is presented to senior ARNG officers at the state level. Interviews with senior staff officers of both the Pennsylvania ARNG and Maryland ARNG indicate that

approximately one weekend per year is dedicated to training for the state missions (i.e. civil disturbances, natural disasters, etc.) to include the special or unique equipment required. These officers indicated that this dedicated training time was reasonably typical of most states and their primary training emphasis was for the Federal mission. They also acknowledged that this dedicated training increased their state mission readiness due to similarity with the federal mission training requirements. They indicated that TAG's approved their training plans and were not requesting more emphasis on the state missions. The one unknown they did acknowledge was the future impact of the state mission in support of counternarcotics operations.

Under present arrangements, specific training for counternarcotic operations is being conducted by the supporting agency (DEA, Customs, etc.) above and beyond scheduled monthly ARNG Inactive Duty Training (IDT) and Annual Training (AT) periods. In the event the personal safety risk goes up, if volunteers do not meet minimum requirements, and counternarcotic operations are intensified through increased use of the ARNG, then ARNG training plans may need modification to support this rapidly expanding state mission. The resultant

affect may be that CAPSTONE training requirements will have to be adjusted to accommodate training requirements developed to support counternarcotics operations.⁸

Training for the federal mission is without question the primary objective of the ARNG. The training time required by each ARNG member to meet minimum federal mission standards and requirements cannot be increased without having significant detrimental affects on National Guard readiness.

National Guard members are confronted with numerous related problems that contribute to concerns regarding time spent performing military duties. Among these are sacrificed family time and employer issues. In some cases for example, civilian employers are becoming wary of hiring members of the National Guard based on the potential for missed work due to military service. Some large corporations are even instructing their employee Guardsmen to perform at the "minimum level" in their military organizations. Some have gone so far as to discourage or avoid hiring National Guard personnel.⁹

It becomes apparent that adding state mission training requirements (such as those needed to support the counternarcotic operations) onto an already full ARNG training "platter" for selected units and individuals is not a viable

option. The only option is a training tradeoff - less federal mission training for more state mission training. This does not appear to be a major concern of ARNG senior leaders and is presently not addressed in plans which support counternarcotics operations.

Can this present situation be related to any previous time in the ARNG's past? Consider what happened in the 1960's. The ARNG was called out several hundred times during the decade to react to civil disturbances. The National Guards response to these incidents was generally superb. However, special efforts were made to train and reinforce the Guard's ability to perform the required state missions. Substantial federal funds were furnished; large quantities of equipment were obtained; and a special training program was instituted to prepare units for dealing with civil disturbances. Although it had always been a state responsibility, the federal government identified a need to provide substantial aid in training and equipment to deal with civil disorders.¹⁰

ENDNOTES

1. Interview with Herbert R. Temple, Jr., LTG, Chief of the National Guard Bureau, Carlisle Barracks, PA, 12 December 1989.

2. Herbert R. Temple, Jr., LTG, "Top Leaders Speak Out", National Guard, January 1990, pp. 73-74.

3. Herbert R. Temple, Jr., LTG, Chief of the National Guard Bureau, Memorandum for the Adjutants General of all states, Puerto Rico, The Virgin Islands, Guam and the District of Columbia, 16 August 1989.

4. Herbert R. Temple, Jr., "The Nation's War on Drugs", Vital Speeches, of the Day; Vol. LV, 15 June 1989; pp. 517-519.

5. Charles M. Keifner, MG, "The Drug Crisis in our Cities: What can the Guard Do?", National Guard, Vol. XLIII, June 1989, p. 4.

6. John B. Conaway, MG, "Top Leaders Speak Out", pp. 65-66.

7. Donald Burdick, MG, "Top Leaders Speak Out", p. 69.

8. Interviews with senior ARNG staff officers, Maryland National Guard Headquarters, 15 October 1989; Pennsylvania National Guard Headquarters, 8 November 1989.

9. John L. Matthews, MG "Assessing Reserve Component Training", Military Review, Vol. LXIX, November 1989, p. 30.

10. Colby, p. 12.

CHAPTER V

CONCLUSIONS

An in depth analysis of the history of the ARNG from its inception as a state militia focuses attention on the fact that the federal mission of being able to defend the United States, was of primary concern to not only the founding fathers but governing bodies which formed the historical growth of the citizen-soldier force. The federal government has expanded its controlling power and influence over the National Guard. Because the federal government is the primary source of monetary support for day to day training, it establishes not only the training objectives but also the standards to which National Guard units are inspected.

History shows that the National Guard has been activated many more times to support the state mission than the Federal mission; although on a much smaller scale. Very little criticism can be found with respect to how well ARNG personnel have performed their state missions. Such is not the case when reviewing the ARNG's historical performance during National mobilizations. Although lack of resources, equipment and

federal commitment were critical issues, much of the blame for ARNG personnel not being trained and ready for the federal mission was placed on the states who were responsible in overseeing their training; a task in which they were not as successful as they should have been. Through the passing of several key laws over the past 100 years, the ARNG has come under greater control by the federal government and the Active Army. The discipline that ARNG personnel subsequently attained during this evolution has had a positive impact on the ARNG's ability and readiness to perform state missions.

The Total Force concept which was implemented in 1973 has produced an ARNG which has achieved a higher state of readiness than at any time in its history. Until recently the ARNG has been able to concentrate on training for the federal mission while occasionally being called upon to assist in national disasters or other minor state missions for which little or no additional special training has been required. This low demand for complicated state missions has resulted in the ARNG achieving it's highest state of combat readiness in history.

The perceptions above have been confirmed by not only what the survey of senior ARNG officers at the U.S. Army War College indicated but also by interviews and articles from other senior

National Guard officials. Historical and present-day research indicates that ARNG forces are primarily trained for the federal mission and that the training received to perform that mission has, . . . is now, . . . and will continue to ready them for the state missions they could be expected to perform. I agree with the statement, "The fact that the ARNG today is better equipped, better trained, and better led is undoubtedly the result of a shift from state to national control".¹

BUT WHAT ABOUT THE DRUG WAR?

The use of the ARNG in counternarcotic operations is rapidly expanding. Funds for ARNG DEO support have increased considerably and it can be assumed that the trend will continue as long as combatting the flow of drugs into the U.S. continues as a national priority. DOD guidance and regulations are very clear on the limits of ARNG participation in supporting civil authorities in combatting the drug problem.² But even with present guidelines, it is reasonable that the present pool of ARNG volunteers will soon no longer meet the demand for ARNG assistance and that individuals or units may soon be tasked/ordered to assist civil authorities. It can also be expected that the personal risk to the individual guardsmen

may also increase in light of more public attention being focused on the National Guard's role. In the event this happens, the training Guardsmen receive during IDT and AT periods will very likely need to be refocussed to prepare him for the state mission of DEO support. If this happens, readiness to perform the federal mission could possibly decrease.

All these concerns and more were brought to the attention of the Chief, National Guard Bureau in July 1989 by a number of Adjutants' General. There was an underlying tone from TAG's that the future role of the ARNG in the drug war may have a greater impact on readiness and that regular unit training may have to be modified to prepare Guardsmen for involuntary DEO support to civil agencies.³

It is clear that although specialized training is limited, the ARNG receives adequate training for civil disturbance and natural disaster state missions. It is generally included through the indirect benefit from federal mission training. ARNG personnel who volunteer for DEO support either perform in their area of expertise or receive the necessary training outside of scheduled IDT or AT periods. Participating in counternarcotics operations does generally improve the

National Guard's overall readiness to accomplish the federal missions. However, with the future most likely being that of increased state mission tasking in support of DEO, combined with imminent military force cuts, ARNG units in the future will probably have to dedicate more of their IDT and AT time toward training for DEO. IF they do not, readiness levels to accomplish the state mission of counternarcotics operations may not be acceptable.

ENDNOTES

1. Riker, p. 115.
2. U.S. Department of the Army and the Air Force, National Guard Regulation 500-1, p. 8 (hereafter referred to as "NGR 500-1").
3. Herbert R. Temple, Jr., LTG, Chief National Guard Bureau; Memorandum for the Adjutants General of all states, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, 16 August 1989; executive summary, p. 1.

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14. "The Total Force", National Guard, April 1987.

15. Survey of Army National Guard Officers affiliated with U.S. Army War College, Academic Year 1990; December 1989; "Army National Guard Training in Support of Federal and State Missions."

16. Temple, Herbert R., Jr., LTG. Chief of the National Guard Bureau. Personal Interview. Carlisle Barracks, PA: 12 December 1989.

17. Newland, Samuel J., "The National Guard: State Versus National Control," National Guard, January/February 1989.

18. "Top Leaders Speak Out," National Guard, Vol. XLIV, January 1990, pp. 19-74.

19. Temple, Herbert R., Jr., LTG, Chief of the National Guard Bureau; Memorandum for the Adjutants General of all states, Puerto Rico, The Virgin Island, Guam and the District of Columbia, 16 August 1989.

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21. Keifner, Charles M., MG, "The Drug Crisis in our Cities: What can the Guard Do?", National Guard, June 1989.

22. Maryland and Pennsylvania National Guard Headquarters' Personal interviews with Senior staff officers, 15 October 1989 and 8 November 1989.

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